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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,628	11/13/2001	Ronald L. Ream	112703-203	4209
29156	7590	03/07/2007		
BELL, BOYD & LLOYD LLP			EXAMINER	
P.O. Box 1135			VENKAT, JYOTHSNA A	
CHICAGO, IL 60690				
			ART UNIT	PAPER NUMBER
			1615	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/990,628

Applicant(s)

REAM ET AL.

Examiner

JYOTHSNA A. VENKAT Ph. D

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of common ownership statement under 103© over U. S. Patents 6,627,234 and 6,949,264. In view of new rejection, finality of the last office cation is withdrawn.

Claims 9- 26 are pending in the application and the status of the application is as follows:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expression “ systemic system” is unclear as to applicant’s intent. Specification does not define the scope for “ systemic system”.

Claim Rejections - 35 USC § 103

Claims 9-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of U. S. Patent 4,317,838(‘838) and WO 99/44436 (‘436).

Patent ‘838 teaches method for applying coating to chewing gum. See the abstarct, see col.2, lines 35-68, wherein the patent teaches coating syrup using sweeteners or bulking agents. This is same as claimed taste masking agent. Patent at col.2, lines 40-55 teaches that sweeteners to be coated using various ingredients. This range disclosed in the patent for coating meets the claimed requirement of “ coating comprising at least 50% of the chewing gum product”. Patent at col.5, lines 10-19 teaches claimed high-intensity sweeteners. Patent at col.5, lines 6-8 teach that the high-intensity sweetener can be present in the gum base or in the coating Patent at col.5,

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lines 29-31 teach gum base and the amount present by weight. Patent at col.5, lines 55-60 suggests, “ in addition to chewing gum, the comestibles to be coated may include... other dosage forms for medicinal or therapeutic use”. Medicinal are same as medicaments. Thus patent clearly suggests to one of ordinary skill in the art that coating can also include medicaments. The difference between the patent and the instant application is patent does not have medicament in the coating along with sweetener. However, WO ‘436 teaches coated chewing gum comprising a core of chewing gum and a coating comprising a coating material and one or more active substances. See the abstract, see page 1 under “ technical field”, see also page 2. WO document at page 3, last paragraph teaches active ingredients, which can be sweeteners. WO document at page 8, lines 15-17 teaches claimed high-intensity sweeteners. See also page 8, lines 20-24 wherein WO document teaches that along with active substances other functional groups can also be incorporated. These functional groups include vitamins and nutrients along with various pharmaceuticals, which are described at paragraph bridging pages 9-10. WO document at page 12 first paragraph teaches that the coating suspension comprise aqueous solution of xylitol, maltitol, isomalt, aspartame, acesulfame K and saccharin. These ingredients are claimed as taste masking agent.

Accordingly it would have been obvious to one of ordinary skill in the art to make to prepare gum base (gum center) and coat the gum base using taste masking agent and high intensity sweetener taught by patent ‘838 and include in the coating medicament taught by WO ‘436 in analogous coated chewing gum preparations. The idea of adding medicament into the coating flows logically from the art since one prior art teaches chewing gum coating using taste masking agent and high intensity sweetener and another prior art teaches chewing gum coating

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using active substances (high intensity sweetener), functional substances (medicaments) or sugar or sugar alcohols (taste masking agent). One of ordinary skill in the art would be motivated to coat the gum center with a medicament along with taste masking agent with the reasonable expectation of success that having medicament in the coating provides a better stability of the active substance (medicament) and increased effect thereof in all chewing phases. This is a prima facie case of obviousness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JYOTHSNA A. VENKAT Ph. D whose telephone number is 571-272-0607. The examiner can normally be reached on Monday-Friday, 10:30-7:30:1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL WOODWARD can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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